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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85259331
Applicant	Tractor Supply Co. of Texas, LP
Applied for Mark	TSC TRACTOR SUPPLY CO.
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Submission	Motion to Consolidate and to Extend Briefing Deadline
Attachments	TSC Motion to Consolidat_001.pdf ( 2 pages )(92772 bytes )
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Date	08/28/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Applications of

TRACTOR SUPPLY CO. OF TEXAS, LP

Serial Nos.    85/259,331  
                  85/259,332  
                  85/259,333  
                  85/259,335  
                  85/259,338

**MOTION TO CONSOLIDATE  
AND TO EXTEND BRIEFING DEADLINE**

Applicant Tractor Supply Co. of Texas, LP hereby moves that the above-referenced five appeals be consolidated. All five appeals arise out of the Patent and Trademark Office's refusal to register the mark TSC TRACTOR SUPPLY CO. (standard characters) without disclaimer of the term "supply," on the grounds that the term "supply" is merely descriptive of the goods claimed in the respective applications.<sup>1</sup> When appeals involving common questions of law or fact are pending before the Board, the Board may order consolidation of the cases. *Trademark Trial and Appeal Board Manual of Procedure* § 1214; *see also id.* § 511. In making a determination as to consolidation, the Board takes into account savings in time, effort, and expense due to consolidation, weighed against any prejudice or inconvenience which may be caused. *Id.* § 511; *Federated Department Stores, Inc. v. Gold Circle Ins. Co.*, 226 U.S.P.Q. 262 (TTAB 1985). Here, all five appeals involve identical marks, each containing the term "supply,"

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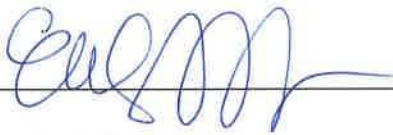
<sup>1</sup> The goods at issue are, respectively: "trailers for use with road vehicles" in International Class 12 (Serial No. 85/259,332); "stools; home decor items, namely, decorative wood signs; decorative wall plaques made of plastic or wood; furniture" in International Class 20 (Serial No. 85/259,333); "metal tool boxes; decorative wall plaques made of common metal" in International Class 6 (Serial No. 85/259,331); "compressed pine pellets and wood shavings for use in animal bedding" in International Class 31 (Serial No. 85/259,338); and "bottle openers" in International Class 21 (Serial No. 85/259,335).

and all involve the same question of law—namely, whether the Patent and Trademark Office improperly refused registration without a disclaimer of the term “supply” on the grounds of descriptiveness. Consolidation will be advantageous in that it will save time, effort, and expense for all concerned parties. Accordingly, Applicant respectfully requests consolidation of the appeals.

Additionally, in the interest of clarity and fairness, Applicant requests that the date for Applicant to file its brief in the appeal(s), whether or not consolidated pursuant to this Motion, be set to a date 60 days from the Board’s ruling on this Motion to Consolidate.

TRACTOR SUPPLY CO. OF TEXAS, LP

Dated: 8/28/12

By: 

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